

**CENTRAL PUGET SOUND  
GROWTH MANAGEMENT HEARINGS BOARD  
STATE OF WASHINGTON**

1000 FRIENDS OF WASHINGTON &	)	
FRIENDS OF PIERCE COUNTY,	)	<b>CPSGMHB Case No. 04-3-0015</b>
	)	
Petitioners,	)	<b>(1000 Friends III)</b>
	)	
v.	)	
	)	
PIERCE COUNTY,	)	<b>ORDER OF DISMISSAL</b>
	)	
Respondent,	)	
	)	
and	)	
	)	
WASHINGTON STATE DEPARTMENT	)	
OF COMMUNITY, TRADE AND	)	
ECONOMIC DEVELOPMENT, CITY OF	)	
BONNEY LAKE, SUMNER SCHOOL	)	
DISTRICT NO. 320 and THE BUTTES	)	
LLC. <sup>1</sup>	)	
	)	
Intervenors.	)	
	)	

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**I. BACKGROUND**

On May 12, 2004, the Board issued an “Order Granting Settlement Extension, Establishing New Schedule and Bifurcating Issue 5 from CPSGMHB Case No. 04-3-0007c” (**5/12/04 Order**). The 5/12/04 Order: 1) extracted Legal Issue 5 [re: the County’s expansion of the City of Bonney Lake’s UGA] from the consolidated proceeding in *Orton Farms, et al., v. Pierce County*, consolidated Case No. CPSGMHB 04-3-0007c; 2) assigned a new caption and case number to the bifurcated case (*1000 Friends v. Pierce County* (**1000 Friends III**), CPSGMHB Case No. 04-3-0015); 3) granted a 30-day settlement extension for the new case; and 4) established a briefing schedule. See 5/12/04 Order, at 1-5.

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<sup>1</sup> The only active Intervenors in the Bonney Lake UGA expansion issue [Legal Issue #5 originally from the Orton Farms case] are the City of Bonney Lake and Sumner School District No. 320.

The 5/12/04 Order established July 8, 2004 as the deadline for requesting an additional settlement extension. 5/12/04 Order, at 4.

On June 9, 2004, the Board received “1000 Friends of Washington’s & Friends of Pierce County’s Motion to Extend Settlement Extension on Bonney Lake UGA Issue.” (**Extension Request**) 1000 Friends’ request indicates that on June 8, 2004, Pierce County voted to repeal the Bonney Lake UGA expansions challenged by 1000 Friends in this matter; and that the action is awaiting the signature of the Pierce County Executive. Consequently, 1000 Friends asserts, once signed, it will be effective and Petitioners will move to withdraw their challenge on this issue [Legal Issue 5]. Extension Request, at 2-3.

On June 11, 2004, the Board received, via telefacsimile, the County’s concurrence for the Extension Request.

On June 14, 2004, the Board issued an “Order Granting Second Settlement Extension.”

On June 22, 2004, the Board received a signed copy of Ordinance No. 2004-37 from the County. The Ordinance deleted the UGA amendments (U-5, U-6, U-7, U-8 and U-9, all expanding the City of Bonney Lake UGA). See Ordinance No. 2004-37, Sections 1 and 2.

On July 6, 2004, the Board received “1000 Friends of Washington Motion to Dismiss Case No. 94-3-0015” (Motion – Dismiss).

## **II. DISCUSSION**

Legal Issue 5, the sole issue in the matter of *1000 Friends v. Pierce County (1000 Friends III)* states as follows:

*Does the adoption of Ordinance No. 2003-103s adopting a new and larger Urban Growth Area for the City of Bonney Lake fail to comply with GMA goals RCW 36.70A.020(1), (2), (8) and (10); and GMA requirements RCW 36.70A.110, .040, .170, and .172, when the record fails to establish that this larger UGA is necessary to accommodate OFM population forecasts as required under the GMA and the County did not show its work?*<sup>2</sup>

Ordinance No. 2004-37 deleted the City of Bonney Lake UGA expansion amendments from the County’s 2003 Comprehensive Plan amendments. Having been repealed there is no longer a basis for 1000 Friends challenge. 1000 Friends Motion acknowledges this

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<sup>2</sup> This statement of the Issue in the PHO is based upon, and intended to reflect, 1000 Friends PFR [04-3-0007], Legal Issue 1, at 3. The PFR also specifies that the challenged Bonney Lake UGA expansion amendments are: U-5, U-6, U-7, U-8, and U-9. PFR, at 2.

and asks that the Board dismiss this matter. Motion – Dismiss, at 2. Consequently, the Board will dismiss *1000 Friends III*, CPSGMHB Case No. 04-3-0015.

### **III. ORDER**

Having reviewed Ordinance No. 2003-103s and Ordinance No. 2004-37, the submittals of the parties, the GMA and prior Orders of the Board, and having deliberated on the matter, the Board ORDERS:

- The matter of *1000 Friends v. Pierce County (1000 Friends III)*, CPSGMHB Case No. 04-3-0015, is **dismissed with prejudice**.

So ORDERED this 7<sup>th</sup> day of July 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Bruce C. Laing, FAICP  
Board Member

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Edward G. McGuire, AICP  
Board Member